

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fandke et al.

Group Art Unit: Unassigned

Application No. Unassigned  
(U.S. National Phase of PCT/EP00/08808)

Examiner: Unassigned

Filed: March 20, 2002

For: METHOD AND NUCLEIC ACIDS FOR THE  
DETECTION OF MICROORGANISMS  
RELEVANT TO BREWING

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

**within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

**after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

**after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.98 and 1.98 is being filed.

### Copies of the References

Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

Copies of the foreign search reports are enclosed herewith.

The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- No fee** is owed by the applicant(s).  
The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- Attached is a check in the amount of \$ .  
Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

10/088666

JC10 1400010 20 MAR 2002

In re Appln. of Fandke et al.

Application No. Unassigned (U.S. National Phase of PCT/EP00/08808

**Instructions as to Overpayment**

Credit Account No. 12-1216.  
 Refund

  
\_\_\_\_\_  
Carol Larcher, Reg. No. 35,243  
LEYDIG, VOIT & MAYER, LTD.  
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Date: March 20, 2002

Please type a plus sign (+) inside this box

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10, 068666

JC10F P01910 20 MAR 2002

<p>Substitute for form 1449A/B/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(Use as many sheets as necessary)</i></p>				<p><b>Complete if Known</b></p>	
				Application Number	Unassigned
				Filing Date	March 20, 2002
				First Named Inventor	Markus FANDKE
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	216087

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**OTHER - NON PATENT LITERATURE DOCUMENTS**

OTHER - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation
			Yes
	AH	DIMICHELE et al., <i>J. Am. Soc. Brew. Chem.</i> , 51 (2), 63-66 (1993)	
	AI	DOYLE et al., <i>J. Ind. Microbiol.</i> , 15 (2), 67-70 (1995)	
	AJ	LUDWIG et al., <i>Database Genbank</i> , Database Accession No. X68423 (March 29, 1993)	
	AK	LUDWIG et al., <i>Database Genbank</i> , Database Accession No. X68426 (March 29, 1993)	
	AL	MORI et al., <i>Int. J. Syst. Bacteriol.</i> , 47 (1), 54-57 (1997)	
	AM	NAGASHIMA et al., <i>Database Genbank</i> , Database Accession No. D87678 (February 7, 1999)	
	AN	PATENT ABSTRACTS OF JAPAN, 017 (278), (May 28, 1993) (JP 05 015400 A)	
	AO	SATOKARI et al., <i>Int. J. Food Microbiol.</i> , 45, 119-127 (1998)	
	AP	STANIER et al. (eds.), "The Microbial World," 5 <sup>th</sup> Edition, Prentice Hall, New Jersey, USA, p. 326 (1986)	

Examiner Signature \_\_\_\_\_ Date Considered \_\_\_\_\_

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

- + A concise statement of relevance is being submitted in lieu of a translation under 37 CFR 1.98(a)(3).
- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Please type a plus sign (+) inside this box →

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/088,666
(Use as many sheets as necessary)				Filing Date	March 20, 2002
Sheet	1	of	1	First Named Inventor	Markus FANDKE
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	216087

<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication
		Application or Patent Number	Kind Code		

<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation
		Office	Application or Patent Number	Kind Code			

<b>OTHER - NON PATENT LITERATURE DOCUMENTS</b>							
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.				Translation	
						Yes	No <sup>++</sup>
	<b>A Q</b>	Sequence Comparison between SEQ ID NO:21 from U.S. Patent No. 5,869,642 (A) and Genbank No. D87678					
	<b>A R</b>	Sequence Comparison between SEQ ID NO:104 and Genbank No. X68423					
	<b>A S</b>	Sequence Comparison between SEQ ID NO:1 and Genbank No. X68426					
	<b>A T</b>	Sequence Comparison between SEQ ID NO:2 and Genbank No. X68426					
	<b>A U</b>	Sequence Comparison between SEQ ID NO:3 and Genbank No. X68426					
	<b>A V</b>	Sequence Comparison between SEQ ID NO:4 and Genbank No. X68426					
	<b>A W</b>	Sequence Comparison between SEQ ID NO:5 and Genbank No. X68426					
	<b>A X</b>	Sequence Comparison between SEQ ID NO:6 and Genbank No. X68426					
	<b>A Y</b>	Sequence Comparison between SEQ ID NO:7 and Genbank No. X68426					
	<b>A Z</b>	Sequence Comparison between SEQ ID NO:8 and Genbank No. X68426					
	<b>B A</b>	Sequence Comparison between SEQ ID NO:9 and Genbank No. X68426					
	<b>B B</b>	Sequence Comparison between SEQ ID NO:10 and Genbank No. X68426					
	<b>B C</b>	VAN DER MEER et al., <i>Database Genbank</i> , Database Accession No. L08062 (April 26, 1993)					
	<b>B D</b>	Sequence Comparison between Genbank No. X68426 and Genbank No. L08062					
	<b>B E</b>	Sequence Comparison between SEQ ID NO:11 and Genbank No. L08062					
	<b>B F</b>	Sequence Comparison between SEQ ID NO:12 and Genbank No. L08062					
	<b>B G</b>	Sequence Comparison between SEQ ID NO:13 and Genbank No. L08062					
	<b>B H</b>	Sequence Comparison between SEQ ID NO:14 and Genbank No. L08062					
	<b>B I</b>	Sequence Comparison between SEQ ID NO:17 and Genbank No. L08062					
	<b>B J</b>	Sequence Comparison between SEQ ID NO:18 and Genbank No. L08062					
	<b>B K</b>	Sequence Comparison between SEQ ID NO:19 and Genbank No. L08062					
	<b>B L</b>	Sequence Comparison between SEQ ID NO:20 and Genbank No. L08062					
	<b>B M</b>	YAP et al., <i>Database Genbank</i> , Database Accession No. AF116563 (September 16, 1999)					
	<b>B N</b>	Sequence Comparison between Genbank No. X68426 and Genbank No. AF116563					
	<b>B O</b>	Sequence Comparison between SEQ ID NO:15 and Genbank No. AF116563					
	<b>B P</b>	Sequence Comparison between SEQ ID NO:16 and Genbank No. AF116563					
	<b>B Q</b>	Sequence Comparison between SEQ ID NO:107 and Genbank No. L08062					

Examiner Signature		Date Considered
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

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